



Citizen Police Advisory Review Board Minutes

The Citizen's Police Advisory Review Board (CPARB) met on Tuesday, December 15, 2009, at 5:30 p.m., in the Basement of the Main Library, 101 N. Stone Avenue, Tucson, Arizona

1. Call to Order/Roll Call

Members Present:

Susan Thornton, Chair
Stephen Nekolek
Jennifer Lopez
Cynthia Schiesel
Lori Mattocks

Representing:

Mayor
Ward 1
Ward 3
Ward 4
Ward 6

Members Absent:

Suzanne Elefante

Ward 2

Advisory Members Present:

Barbara Richards

Advisory Members Absent:

Karen Brandel
Bennett Bernal

Ex-Officio Non-Voting Members Present:

Robert Barton, Office of the Independent Police Auditor
Lieutenant Rick Hovden, Tucson Police Department
Sergeant Matt Ronstadt, Tucson Police Department
Baird Green, City Attorney's Office

Ex-Officio Non-Voting Members Absent:

Liana Perez, Office of the Independent Police Auditor
Sergeant Sharon Callan, Tucson Police Department

Others Present:

Kyle Thompson, City Clerk's Office

1. Approval of Minutes from Meeting of November 17, 2009

Motion by Cynthia Schiesel duly seconded, and carried by a voice vote of 5 to 0 (Suzanne Elefante absent), to approve the minutes of November 17, 2009, with following corrections:

Page 3, Item 8, Paragraph A, should read: ~~Assistant Chief~~ **Sergeant** Sharon Callan introduced Assistant Chief Kathy Robinson, Tucson Police Department, and welcomed her to the meeting.

Page 3, Item 8, Paragraph B, should read: ~~Assistant Chief~~ **Sergeant** Sharon Callan stated the Office of Internal Affairs had a quiet month.

2. Non – Voting Advisory Board Membership

Chair Thornton stated the Non- Voting Advisory Board Membership item would be placed back on the Agenda for the meeting of January 19, 2010. She said she had made numerous attempts to contact Bennett Bernal, Non-Voting advisory Member, and had not been successful to date.

3. First Call to the Audience

4. Review of Citizen Comments submitted to Mayor and Council in reference to TPD for November as reported on December 1, 2009

Sergeant Matt Ronstadt, Tucson Police Department, stated Cindy Mechtel was out and he had brought all the appropriate information and to answer any questions.

The Board inquired about comments #1, 2, and 3. The constituents stated they were upset with police sirens being used in the early mornings and was use of the sirens at the discretion of each officer.

The Board asked if there was any type of rule in regards to using police sirens late at night

TPD responded by saying it depended on the circumstances of the situation, however, if the officer exceeds speed limits or violates other traffic laws while responding to a call or catching a violator, sirens and lights should be used.

Baird Green, City Attorney's Office, clarified that the Statute reads; "Lights and sirens must be used as reasonably necessary, in order to prevent lawsuit if any damage was caused due to the response, as long as the sirens are being used as reasonably necessary." (See Attachment 1 – Arizona Revised Statutes, §28-624, Authorized emergency vehicles)

The Board asked about the difference between a police siren as opposed to a paramedic or fire siren.

TPD answered there was no way of knowing how constituents could verify the source of the siren.

The Board also inquired about comment # 4. The constituent stated they did not understand why the City spent so much money on the speed vans, and wished something more important was being done instead of wasting revenue on these cameras. The constituent stated they were sick of driving around in fear of any offense, and were glad the propositions were voted down.

The board asked if there had been a lot of complaints about the photo enforcement vans.

TPD stated the Police Department did not pay anything for the photo enforcement vans. The vendor owned and operated the vans and took a part of the revenue.

6. Pima County Protocols for the Multi Disciplinary Investigation of Child Abuse

Sergeant Carlos Valdez, Dependent Child Unit, Tucson Police Department gave a presentation on Pima County's protocol for the Multi-Disciplinary Investigation of Child Abuse. Sergeant Valdez stated his unit was responsible for the investigation of all child abuse, neglect, custodial issues, and child death including homicide. He stated they also worked closely with the Missing Children's Unit, as well as, the Child Sexual Assault units. He said the Dependent Child Unit had been involved with high profile cases throughout the years, but was just a small part of the protocol for Pima County.

Sergeant Valdez stated that in 1993, the Pima County Attorney's office was tasked with developing protocols to better the investigation of child related cases. These protocols were intended to put bring together social services, law enforcement, and prosecutorial agencies. Sergeant Valdez presented the goals of Pima County and stated that each agency sets primary goals, of which the most important was that all children are treated with dignity and respect. He stated that through the protocols, a joint investigation was conducted amongst the participating agencies.

Sergeant Valdez stated that law enforcement and Child Protective Services were typically the first responders to a youth related case, and had improved their communication throughout the past years. He stated that through this improved communication, joint investigations had become more efficient.

7. Office of the Independent Police Auditor

- A. Outreach Report: Report of public outreach efforts by the office of the Independent Police Auditor during the previous month.

Robert Barton, Office of the Independent Police Auditor reported there was no public outreach for the month of November.

- B. Monthly Contacts: Report on TPD-related contacts by members of the public with the office of the Independent Police Auditor during the previous month.

Robert Barton, Office of the Independent Police Auditor (IPA) stated the IPA office received four inquires, of which two complaints which were subsequently forwarded onto Internal Affairs for review. The IPA conducted reviews of two cases which originated in the Independent Police Auditor's office, as well as, twelve additional closed cases that were closed by Internal Affairs (IA). He said IPA agreed with the findings of those cases.

8. Tucson Police Department:

- A. TPD Updates regarding events or developments relating to TPD during the prior month.

Lieutenant Rick Hovden reported there was not an Assistant Chief in attendance at the meeting because Chief Roberto Villaseñor had asked the senior staff members to be present at the Mayor and Council meeting. He also reported that Deputy Chief Sharon Allen would be returning home shortly from the FBI National Academy.

- B. Office of Internal Affairs/Updates regarding events or developments relating to the Office of Internal Affairs during the prior month

Lieutenant Rick Hovden announced there were detectives from his unit that had been placed on the Sergeants List. He also stated that Internal Affairs had lost their clerk staff, due to the clerk transcriptionist being transferred to the Chief's office.

9. Recess

Motion by Jennifer Lopez, duly seconded, and carried by a voice vote of 5 to 0, (Suzanne Elefante absent), to forego recess.

10. Random Review of TPD Investigations:

- 1. Case# 09-0462

Motion by Jennifer Lopez, duly seconded, and carried by a voice vote of 5 to 0, (Suzanne Elefante absent), to find Case # 09-462 to be a fair and thorough investigation.

2. Case# 09-0347

Motion by ~~Susan Thornton~~ **Cynthia Schiesel**, duly seconded, and carried by a voice vote 5 to 0, (Suzanne Elefante absent), to postpone action on Case# 09-0347.

3. Case# 09-0507

Motion by Cynthia Schiesel, duly seconded, and carried by a voice vote 5 to 0, (Suzanne Elefante absent), to find Case# 09-0507 to be a fair and thorough investigation.

11. Second Call to the Audience

There were no speakers.

12. Report from Chair / Announcements

A. Annual Report

Chair Thornton stated she had submitted CPARB's annual report to the board for comments or suggestions, and that she would be submitting the report to the Mayor and Council by the end of the month.

13. Future Agenda Items

A. Chair Thornton stated she would like to place, on the January agenda, discussion on the possibility of reducing in the number of cases that the board reviews.

B. Chair Thornton stated that the selection of a vice-chair would be placed on the January agenda.

C. Jennifer Lopez stated she would like to see a presentation made by the Drinking Under the Influence (DUI) squad.

14. Adjournment – 6:46 p.m.

Motion by Cynthia Schiesel, duly seconded, and carried by a voice vote of 5 to 0, (Suzanne Elefante absent) to adjourn.

Attachment 1 to Item #4
CPARB Meeting
December 15, 2009

28-624. [Authorized emergency vehicles](#)

- A. If an authorized emergency vehicle is driven in response to an emergency call, in pursuit of an actual or suspected violator of law or in response to but not on return from a fire alarm, the driver may exercise the privileges provided in this section subject to the conditions stated in this section.
- B. If the driver of an authorized emergency vehicle is operating at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, the driver may:
 - 1. Notwithstanding this chapter, park or stand.
 - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.
 - 3. Exceed the prima facie speed limits if the driver does not endanger life or property.
 - 4. Disregard laws or rules governing the direction of movement or turning in specified directions.
- C. **The exemptions authorized by this section for an authorized emergency vehicle apply only if the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary** and if the vehicle is equipped with at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or red and blue light or lens visible from in front of the vehicle.
- D. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of the driver's reckless disregard for the safety of others.